

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

BIENVENIDO I. LUGO MARCHANT,
Plaintiff,

v.

PETER TSICKRITZIS, KEVIN
KINGSTON and UNITED LIQUORS
LIMITED,
Defendants.

Civil Action No. 05 11317 NMG

MOTION TO RESCHEDULE PRE-TRIAL CONFERENCE AND TRIAL

Defendants, United Liquors, Ltd., Peter Tsickritzis, and Kevin Kingston ("Defendants"), move to reschedule the date of the pre-trial conference, set for June 20, 2007, and the date the trial is scheduled to begin, June 25, 2007, due to the trial schedule of Defendants' lead counsel. As grounds for their motion, Defendants state the following:

1. This action arises out of Plaintiff's employment with United Liquors Limited ("United Liquors") in 2003. In his Complaint served in September, 2005, Plaintiff alleges discriminatory treatment during his employment and asserts claims under Title VII of the Civil Rights Act of 1964 and Title I of the Americans With Disabilities Act.

2. On February 7, 2007, Defendants moved for summary judgment on Plaintiff's Complaint in its entirety. Plaintiff responded on February 23, 2007 with his motion to quash, memorandum of facts, and supplementary evidence in response to Defendants' motion for summary judgment. All of the summary judgment documents, including these filings, Plaintiff's supplemental filings and further motions to strike, were referred to Magistrate Judge Dein by Order dated April 3, 2007.

3. On April 4, 2007, the Court rescheduled the pre-trial conference in this matter for June 20, 2007. It also scheduled the trial to begin on June 25, 2007.

4. Joan Ackerstein, lead counsel for Defendants, will be on trial on June 11, 12, 13 and 15, 2007. The trial, a public hearing, which will take place at the Massachusetts Commission Against Discrimination in Springfield, Massachusetts, is a complicated matter which involves a request for significant damages. Ms. Ackerstein expects to be in Springfield preparing for that trial for much of May and June, 2007. Due to that trial schedule, Ms. Ackerstein believes she will be unable to adequately prepare for a trial in this matter beginning on June 25, 2007.

5. Furthermore, Defendants devoted considerable time and effort to their Motion for Summary Judgment filed on February 7, 2007 and they would hope that Magistrate Judge Dein would have an opportunity to consider that motion and that the Court then would have sufficient opportunity to rule on the Report and Recommendation in connection with that motion before a trial date, since allowance of the motion could eliminate the need for a trial.

6. As a result, Defendants respectfully submit that the dates of the pre-trial conference and trial should be set for some date after August 1, 2007.

WHEREFORE, Defendants request that the Court reschedule the dates of the pre-trial conference and trial to dates after August 1, 2007.

LOCAL RULE 7.1(A)(2) CERTIFICATION

Counsel for Defendants, Heather Stepler, hereby certifies that she attempted to confer with Plaintiff about this motion on April 6, 2007, but she had to leave a message and he did not return the call.

Respectfully submitted,

UNITED LIQUORS LIMITED, PETER
TSICKRITZIS and KEVIN KINGSTON,

By their attorneys,

/s/ Joan Ackerstein

Joan Ackerstein (BBO# 348220)

Heather Stepler (BBO# 654269)

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Dated: April 10, 2007

CERTIFICATE OF SERVICE

I hereby certify that on April 10, 2007, this document was served upon Plaintiff, Bienvenido I. Lugo Marchant, 19 Grove Street, Brockton, MA 02301, by first class mail, postage prepaid.

/s/ Heather L. Stepler

Jackson Lewis LLP